

the bill placed upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Odell.
Goss.	Patterson.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Stone.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	

Present—Not voting.

McGee.	Yett.
Turney.	

Absent.

Johnson.	Terrell.
Neal.	

The bill was read a third time, and passed by the following vote:

Yeas—22.

Atlee.	Morriss.
Burns.	Odell.
Goss.	Patterson.
Gough.	Potter.
Grinnan.	Ross.
James.	Sebastian.
Kerr.	Stafford.
Lewis.	Stone.
Linn.	Wayland.
Lloyd.	Yantis.
Miller.	Yett.

Present—Not voting.

Davidson.	Hanger.
Dibrell.	McGee.
Greer.	Turney.

Absent.

Johnson.	Terrell.
Neal.	

#### COMMITTEE REPORT.

By unanimous consent, the following committee report was sent up:

Committee Room,  
Austin, Texas, April 20, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Affairs, to whom was referred

Senate bill No. 333, A bill to be entitled "An Act authorizing the Missouri, Kansas & Texas Railway Company of Texas to acquire by purchase or lease the railroad of the Sherman, Shreveport & Southern Railroad Company, extending from the city of McKinney, in Collin

county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern line of Texas, in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as a part of its line, with the right to extend the same and construct branches therefrom by amendment to its charter, under the general laws of the State of Texas, and investing said companies, and each of them, with the power to make and extend all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said The Sherman, Shreveport & Southern Railroad Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, when the said railway so to be purchased or leased, has been extended from the city of Jefferson to the eastern line of the State of Texas in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such line of railway in the State of Louisiana, by lease, trackage or running rights agreement, the use of such line to the said city of Shreveport; and further, to authorize the said The Sherman, Shreveport & Southern Railroad Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

On motion of Senator Dibrell, a recess period of five minutes was taken.

#### AFTER RECESS.

On motion of Senator Greer, the Senate adjourned until 10 a. m. Monday next.

#### SEVENTY-SECOND DAY.

Senate Chamber.

Austin, Texas, Monday, April 24, 1899.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Davidson.
Burns.	Dibrell.

Goss.	Morriss.
Gough.	Neal.
Greer.	Odell.
Grinnan.	Patterson.
Hanger.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yett.
Miller.	

Absent.

Lewis.	Stone.
Potter.	Yantis.

Prayer by the Chaplain, Rev. Dr. Denson.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.

#### EXCUSED.

On motion of Senator Stafford, Senator Neal was excused for non-attendance on Thursday last on account of important business.

On motion of Senator Patterson, Senator Johnson was excused for non-attendance during last week on account of sickness.

On motion of Senator Turney, Senator Potter was excused from attendance during this week on account of sickness in his family.

On motion of Senator Hanger, Senator Stafford was excused for non-attendance on the afternoon of Wednesday last on account of sickness.

#### PETITIONS AND MEMORIALS.

By Senator Wayland:

Petition from a large number of citizens and taxpayers of Robertson county, urging the passage, without amendment, of the "Anti-Trust" bill, to go into effect January 1, 1900.

Senator Morriss sent up the following telegrams and letters:

Atlanta, Texas, April 21, 1899.

*To Senator Morriss, Austin, Texas.*

Have just returned from a trip through Cass; merchants and farmers, and all the people for anti-trust law. Stand by the people, and down with trusts.

HARDY O'NEAL.

Texarkana, Texas, April 21, 1899.

*To Senator Morriss, Austin, Texas.*

SIR: Your favor of recent date was duly received. Thanks; I am with you "tooth and toe nail," on the anti-trust

bill. I hope you will push it through. The common people are with you.

Your friend,

DAN T. LEARY.

New Boston, Texas, April 22, 1899.

*To Senator Morriss, Austin, Texas.*

SIR: Allow me to congratulate you on your "back-bone" and "stiff-neck" in the interest of the people, by your action in regard to the anti-trust law, for of all of the protests that I see has been sent to the Legislature, I do not see a single one from the "Yarn Gallows" and "Copperas Breeches Fellows," nor one from the boys from the "forks of the creek," the main ones of all that are affected by the trusts.

Yours truly,

W. L. TAPP.

De Kalb, Texas, April 22, 1899.

*To Senator Morriss, Austin, Texas.*

SIR: In answer to your favor of April 19, which was received a few minutes since upon my return home, you can have no idea how glad you have made the hearts of all our true and steadfast democrats; in fact, I do not believe any good citizen of our State can or will say he favors trusts, etc. The agents, attorneys and hirelings of all trusts, combines, etc., are opposed to any and all laws calculated in the least to take from them one single blessed right given them, and now enjoyed, for the oppression of the many.

If the democratic party and its members of the Legislature cannot or will not strike down all trusts, etc., then indeed, are our people forever ruined, for with everything made or manufactured in our government working under trusts and combines, we today are in a most wretched condition, and our only hope is in the democratic party, for when democrats go over then indeed is all lost. I see many letters, etc., etc., from people, saying don't pass the "anti-trust law." Now, I will bet as much as I would or four aces that ninety-nine out of every hundred of these writers are interested or influenced by trusts or combines. We, the people of the great and only party on earth that has, and still dares to stand for equal justice to one and all, elected our Representatives and Senators to pass the anti-trust law above all others. The laws you have passed are as nothing compared to this law. My God, does not all know how we are forever being forced into want and ruin by these infernal trusts, combines, etc. Now, I honestly believe, is the time for our party and its Senators, Representatives and Governor to rise to the only true and noble position true and noble manhood demands. Vote this one time—not for self nor gain

—but for the slaving and toiling millions of our noble State. Kill the cruel monster that has been, and is now, more ravenous than ever for our last dime. If the insurance companies can't stay with us, let them, yea, a million times say go.

Yours truly,

W. W. DILLARD.

April 21, 1899.

To Senator Morriss, Austin, Texas.

SIR: Please read Mr. Prince's explanation why he will not support the anti-trust bill as it now stands, and the other information. It is evident from the position you occupy that you don't know anything about the question, and it is for the purpose of giving you a chance to gain some information on the question that this is sent. See!

(Signed) INFLUENTIAL VOTER.

(The enclosure was a clipping from the Dallas News of date April 20, containing Mr. Prince's views.)

By Senator Goss:

Petition from citizens of Graham, Young county, opposing the passage of the anti-trust bill, in so far as the same affects fire insurance.

By Senator Terrell:

(Communication.)

At a mass meeting of the citizens of Wise county held at the court house in said county on April the 19, 1899, for the purpose of giving expression to their wishes relative to the pending anti-trust bill. Judge J. T. Johnson called the meeting to order, and stated the object of the meeting, when Hon. J. T. Buckaloo was called to the chair, and on motion J. M. Basham was chosen secretary of the meeting.

On motion, the chair appointed R. E. Carswell, J. T. Johnson and A. J. Clendenen a committee on resolutions, who retired, and while absent the meeting was addressed by Judge S. G. Tankesley and A. B. Rogers.

The committee, by its chairman, R. E. Carswell, reported the following resolution:

"Whereas, Trusts and combinations are the order of the day; and

"Whereas, The same as a rule are formed without this State, for the purposes of practicing extortion and oppression upon the people of this State; and

"Whereas, The people are now beginning most seriously to feel the effects of the same; and

"Whereas, A bill has been introduced in our Legislature designed in some part to suppress the same; and

"Whereas, Certain interested parties are bringing all pressure in their power to bear upon the Legislature to influence its action against said measure; therefore, be it

"Resolved, by the people of Decatur and Wise county in mass meeting assembled, that we endorse said measure to its fullest extent, and hereby exhort our representatives in the Legislature to stand steadfast in support of said measure and to use all honorable means to secure its passage, and to that end we endorse the bill now before the Legislature."

R. E. CARSWELL, Chairman,

J. T. JOHNSON,

A. J. CLENDENEN.

After the reading of said resolutions, Hon. R. E. Carswell addressed the meeting in support of same, and moved their adoption, which motion was unanimously carried.

On motion, secretary is directed to furnish our representatives with copies of these resolutions.

On motion the meeting adjourned.

J. T. BUCKALOO, Chairman.

J. M. BASHAM, Secretary.

Senator Davidson sent up the following letters, etc.:

Gainesville, Texas, April 22, 1899.

To Senator Davidson, Austin, Texas.

SIR: I have never known my people so stirred up over anything as they are over the anti-trust bill. They do not want any amendment to the same whatever, unless to allow the employment of additional counsel (I left an amendment in my desk on that point) or add a section covering all trusts not covered by the first. You should not permit any amendment at all of limitation or exemption, except to let the operation of insurance provision take effect next January. Remember, I am paired with Senator Greer on everything not recommended in our report.

Yours truly,

C. L. POTTER.

Goliad, Texas, April 22, 1899.

To Senator Davidson, Austin, Texas.

SIR: Never falter in the support of your anti-trust bill. The majority of the people are with you. While I know you would not support a measure because it is popular, it may encourage you to know that your hands will be upheld in doing the right.

The petitions and protests forwarded by our two local fire insurance agents are not, in my judgment, a proper index to public sentiment.

I hope that you may succeed in getting the bill through at this session. When I can serve you, command me.

Yours truly,

J. L. BROWN.

Karnes City, Texas, April 21, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: After more mature deliberation and consulting with business men, I am of the opinion that you are exactly correct in your anti-trust bill, and hope you can pass it without amendment; all this bosh about business men protesting against the passage of this bill is perfect rot, and they are being made tools of and d—fools of for the benefit of the men for whom they have so long been slaves; I am sure the people of your district will stand by you, and a great many who are now protesting would not do so but for the fact they are afraid to do otherwise.

They say insurance companies will leave the State; they may do so for a few weeks, in order to influence legislation, but they will come back, and that in a very short while.

Command me whenever I can serve you.

Yours truly,

A. J. BELL.

#### LUMBERMEN'S EXCHANGE ASSOCIATION.

Kansas City, Mo., April 19, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: Perhaps this letter will be interesting to you. Five years ago the average rate on lumber yards in this section was \$14.00 per thousand, the fire insurance companies increased this rate 25 per cent., the lumbermen would not pay the increase, and they entered into a scheme to insure one another. It has been a great success. The insurance companies' rates at the present time on lumber yards in this section are as low as \$3.00 per thousand, and still the lumbermen do not want their policies. Some three years ago the lumbermen of the State of Texas invited me to appear before them at their meeting at Houston, Texas, for the purpose of joining the Lumbermen's Exchange. The minimum rate on lumber yard at that time in your State was \$2.50, or \$25.00 per thousand. I appeared at that meeting, made a talk to the lumbermen, and next day the board insurance companies reduced rates all over the State of Texas to \$15.00 per thousand on lumber yards. I am told that the rate at the present time in your State is as low as \$7.50 per thousand. Please understand that the lumbermen of your State obtained this

rate through this office. In other words, there is a channel where the lumbermen can get good insurance, and the fire insurance companies have had to meet the situation or lose the business. Now, then, what I want to get at is this: In my judgment, the insurance companies are discriminating against the people of your State. It must be admitted that the people of your State pay their own losses. Fire insurance companies are simply gatherers of premiums, and it is not right that they should write one class of business below the actual cost of carrying same, and charge another class an unfair rate.

Make the laws of your State so mutual insurance companies can organize and do business.

I wish you success with your bill. With kind regards, I remain,

Yours very truly,

J. W. GARVEY,  
Manager.

P. S.—You may use this letter in any way you please.

Beeville, Texas, April 20, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: I read your anti-trust bill. It seems to be all right to me. I have never given the subject much thought, and am not prepared to say as to the wisdom or policy of your proposed law, but clearly if you err it will be in the interest of the people. You have given the subject thought, and we are willing to back your judgment. Stand by your gun, and we will back you.

Your friend,  
JOHN C. BEASLEY.

Beeville, Texas, April 22, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: One A. H. Kent, representing the fire insurance companies at this place, brought a petition to us to sign opposing the anti-trust law. We signed it, not understanding its import. Since reading the bill, we are heartily in favor of the bill, and hope that it will pass.

W. O. POTTER & SON.

Beeville, Texas, April 22, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: I learned last evening that a number of our people had been misrepresented in a petition sent from here to the Legislature by one Mr. A. H. Kent, representing the fire insurance companies of this place. I took upon myself the task to call on several of the gentlemen who signed this petition, and I find that all, without an exception, signed said petition without knowing or considering

what they were doing. Our people are largely in favor of the anti-trust law, and not, as represented by said petition, opposed to it. I learn that Mr. L. B. Randall, president of the First National Bank here, received a telegram of ninety-two words from an insurance man at Austin, and Mr. Kent started out with his petition on receipt of said telegram at once. This I consider shows the necessity of some such legislation, and I hope that the anti-trust bill will become a law.

Respectfully,  
J. J. CARMICHAEL.

Goliad, Texas, April 21, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: I signed a petition a few days since protesting against the application to fire insurance companies of the anti-trust bill, now pending before the Legislature. I did so fearing the enactment of such a law, to take effect at once, would cause financial disturbances, but I wish to assure you that my feelings are all in sympathy with the move, and if it be enacted into law, to go into operation some time in the future, say January next, in order to give time for business relations to adjust themselves, I don't believe any trouble will arise. If foreign companies leave us, as they are threatening to do (of which I have no fear), Texas is strong enough to do her own business. If our law-makers are to be dominated by trusts, we had as well give up housekeeping.

I write you this explanation that my name to that petition, with what little weight it may have, may be placed on the right side of the balances, and to assure you of my full confidence in your integrity and ability to do what will prove to be for the best interests of our country.

With my best wishes for your success, I am

Yours very truly,  
T. P. MCCAMPBELL.

Victoria, Texas, April 21, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: I received your telegram requesting me to send you petitions from the people. I regret that the time is too short to get petitions to you by Monday, the 24th, but assure you of the fact that the true democracy of Victoria and Victoria county are in favor of the passage of the anti-trust bill as introduced in the Legislature without any amendments. I have heard at least one hundred of the best democrats of Victoria county, and quite a number of good republicans, say

that they were strongly in favor of the bill. It is true that a number signed the telegrams circulated by the insurance agents, not knowing what they were doing at the time, but since giving the matter their thought, they regret having done so.

It is also true that nearly all the gold bugs signed the telegrams for the insurance agents, but then they are not Democrats so far as democratic principles are concerned. I find that all the farmers of our county, with but very few exceptions, are in favor of the anti-trust bill. In fact, the voice of the masses of the people and many merchants of our town are in favor of the passage of the bill. They also say that they will hold their representatives at Austin responsible for their actions in the premises. The Democratic Executive Committee of our county to a man favors the bill.

Yours truly,  
J. D. JAMIESON.

Victoria, Texas, April 22, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: This letter needs no answer, as I know that your time is much encroached upon by others. I write for two purposes:

(1) To ask you to avoid letting our railway revenue bill go by default in the House if possible. It should certainly be presented there by some clear-headed lawyer, when I am convinced it will readily pass. Of course the Governor will not veto it if he understands it.

(2) I presume that you are overwhelmed with telegrams protesting against the anti-trust bill introduced by yourself, and that therefore you will not object to a letter supporting its principles. I have not seen the bill, but I notice that the chief howl comes from the insurance people. Until the fire insurance companies learn to treat the people of Texas decently, a good clubbing is just what they need. Under present conditions I am in much doubt but that we would not be hurt by their carrying out their threat and quitting the State. Their rates are so outrageous, two, three and four times the price they charge in the East. Their defense that they make nothing in Texas because of the immense number of fires and greater per cent. of loss than elsewhere is peculiarly insulting. I do not believe that the moral risk is greater in Texas than elsewhere if they conducted their business decently. But they fill every little town with half-starved agents, with full actual (though denied) authority to write any sort of a risk on commission, provided premiums are not cut, as to which they are all in a

ring. The result is that any one can get insurance at almost any amount, hence promotion of rascality, etc. They say that about half of the fires in Texas are incendiary, and I expect that they are right; but instead of organizing their business decently, they pile on the rates, and have transferred millions of dollars from the pockets of the honest to the pockets of the dishonest. I have not talked to many people, but I believe the business community is by no means so united on the side of the insurance companies as is claimed. It seems to me that it should be rammed into them that they must look to the moral risk or get out. As it is, they are one of the most immense swindling agencies, or rather permit themselves to be used so, in this State, and consequently tend to demoralize the business community. It is absurd to pretend that they cannot estimate the moral rate of individuals with some degree of accuracy. The bankers and business men of the State do it every day. This is a complete answer to their contention that the Texans are a set of scoundrels, and that consequently their premiums must be extraordinarily high here. I do not think that the companies are so much to blame as the people in whose hands they have placed their business. Let Mr. Trezevant et al., organize so as to stop the plundering of the business community by the scoundrels in our midst who constantly burn out, and they will have more friends. The contention that they are not all in a ring to keep up premiums is too childish to discuss. As I said, I have not seen the bill. Of course all of your friends in this country assume that as you have introduced it that it is just, and does nothing which sound statesmanship would not support.

I am very truly yours,  
SAM'L B. DABNEY.

P. S.—I do not consider the main point—that we had better lose all than remain the slaves of organized and concentrated wealth. My mother has some property in Virginia, which I keep insured, and this has led me to make some comparisons of risks and premiums. The people of Texas do not commence to know how much they are discriminated against. If there was a fair competition among the companies here, they could not write risks without considering the moral risk. As it is they have an absolute protection against loss, by their ability to raise premiums, through the combination. The whole business is run on commissions—in reckless disregard of the rights of the honest policy holders. I emphasize this phase of the matter because it has never been thoroughly discussed and complete-

ly answers the bad name the insurance people have given the State, and their claim that they do not charge us too great rates. Their rules, furnished agents, limiting the character of the policies issued, and to whom, are read only to be violated.

Sincerely,  
SAM'L B. DABNEY.

Beeville, Texas, April 22, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: I guess you will be somewhat surprised to hear from me, but this letter will explain itself. The other day when I was very busy Mr. Kent, an insurance agent, asked me to sign a petition asking you to vote against the anti-trust law, which was about to be passed, and if so it would run out every insurance company that was doing business in this State. It is the general discussion of the day, and every man I have heard say anything about it is in favor of it. Hoping it will pass, I remain, as ever,

Very respectfully,  
C. P. EIDSON.

Beeville, Texas, April 22, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: Some days since a petition was circulated here asking that the fire insurance companies be exempted from the operation of the anti-trust law. I signed same. Since doing so, after reflection, I believe I was in error, and that no trust should be exempted. For my part I believe that the step is in the right direction.

Yours truly,  
J. R. DOUGHERTY.

Lon says, "to stay with 'em."

Edna, Texas, April 22, 1899.

*To Senator Davidson, Austin, Texas.*

SIR: We observe through the papers that the bill known as "Anti-trust Bill" will come up before your body for consideration on Monday next, and we take this method of making our most serious and earnest protest against it becoming a law in its entirety. We object to that portion of the bill which relates to the fire insurance companies now operating and doing business in Texas. If its effects can be as disastrous to our business as seems to be the workings of the Arkansas bill or law under which the people of that State are now laboring, we feel justified in making this protest. We therefore ask that when said bill does come up for consideration in you body that you earnestly oppose its passage as a whole, and ask you that you insist upon an elimination of the insurance

feature from its operation or have the same so modified that our various businesses may not become endangered by its passage.

Most respectfully,  
J. W. ALLEN, Banker,  
And forty-four other citizens.

(Telegrams.)

Beeville, Texas, April 22, 1899.  
*To Senator Davidson, Austin, Texas.*

SIR: Stand by your guns. All business men here favor anti-trust law. Letters to you by men who signed petition through misrepresentations, by this morning's mail, recanting.

D. A. T. WALTON.

Dallas, Texas, April 16, 1899.  
*To Lee Joseph, Cuero, Texas.*

SIR: If anti-trust bill just introduced is passed unchanged, fire insurance companies will be driven from Texas and every agency closed, as in Arkansas. It means foreclosure of maturing loans, general paralysis of trade, and leaves unprotected grain, lumber, cotton gins and other property. See other agent, and send at least five telegrams numerous signed by citizens to Senators and Representatives, Monday, to exempt fire insurance companies from proposed measure, or delay bill until interests affected can be heard. Follow immediately with strong petition. Charges for said telegrams arranged for here with telegraph company.

WALTER FORT,  
President Local Agents' Association of Texas.

#### COMMUNICATIONS TO THE CHAIR.

At the direction of the Chair, the following were read:

Texarkana, Texas, April 22, 1899.  
*To the Honorable Senate and House of Representatives, at Austin, Texas.*

GENTLEMEN: We, your petitioners, viewing with alarm the withdrawal of all the standard and reliable fire insurance companies from the State of Texas should the pending anti-trust law as affecting the fire insurance interests be passed, pray for such amendments as will limit the scope of its regulations to rates upon property in Texas, and to such agreements, combines, etc., outside of our State and affecting Texas property. And we further earnestly request our Senator Hon. S. J. Morriss, and Representative W. C. Rochelle, to use their best endeavors in behalf of such an amendment.

BEN COLLINS, and 55 others.

49—Senate

Cuero, Texas, April 17, 1899.

*To Hon. Jas. N. Browning, President of the Senate, Austin, Texas.*

SIR: By unanimous vote today the South and West Texas Press Association in session in this city, passed the following resolutions:

Be it resolved, First, That the South and West Texas Press Association in convention assembled, does most heartily and unanimously reiterate its protest against the injustice done honest publishers and to the people of Texas resulting from the lack of civil statutes governing libel, fair alike to the press and public, as promised by the Constitution.

Second, That we urge upon the Legislature now in session the public necessity of passing the bill known as the Greenwood libel bill or some equivalent, embracing the three cardinal reforms demanded, to-wit: (1) The definition of libel; (2) the specification of privileged publications; (3) the elimination of the presumption of malice by leaving the assertion of malice as well as damages, issues of proof for the jury to decide from the evidence, as is now the law in most other States.

Third, That copies of these resolutions, signed and attested by the proper officers of this Association, be sent the Honorable Speaker, to be laid before the Honorable House of Representatives, and to the Honorable Lieutenant-Governor, to be laid before the Honorable Senate.

Very respectfully,

A. S. CRISP,

President of South and West Texas Press Association.

Attest: H. F. MARR, Secretary.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, April 20, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Special Committee appointed on Senate bill No. 323 (the anti-trust bill) to hear arguments and consider the protests of the business men of Texas, have had the same under consideration, and beg leave to report that we have held four open sessions of the committee to which all persons interested have been welcome; we have heard arguments from many of the leading business men of the State, together with arguments from able lawyers and prominent citizens, nearly all of whom oppose certain features of the bill and recommend certain amendments. Judge Reagan was the only man who appeared before the committee, either upon invitation or vol-

untarily, who expressed himself in favor of the measure.

We understand it to be our duty, as sworn members of the Senate, abiding the declarations of the Democratic party and the teachings of its leaders to suppress all kinds of trusts, pools and combinations in restraint of legitimate competition in business within this State, and this we are determined to do so far as the power within us lies. Attorneys representing fire insurance companies in this State, together with many good, patriotic men, have requested this committee to recommend an amendment to the pending bill as it relates to fire insurance, limiting its declarations against trusts and pools to those formed within this State or to those formed without this State which are intended to effect or control the rate or premium within this State. They have denied before the committee that the insurance companies in Texas are within a pool or trust here for the regulation of premium rates, but frankly admit that they are in such pools in other States, and contend that the Texas Legislature cannot prevent such combinations in other States, and have no right to complain at what is done there. It is the opinion of this committee, that no such amendment as suggested should be made to the pending bill. We believe that the Texas Legislature has power to prevent any foreign corporation from doing business in Texas at all, or, if granted the privilege to do business in this State, that the Legislature has full power to say upon what conditions and terms it shall be done. While it may be true that it is none of our concern about what kind of pools and trusts in this regard other States of the Union may permit, it is also true, that if we permit insurance companies to control the business of Texas, which are in pool in some other State of the Union, it is easy to see that by some tacit understanding, or inexplicable concert between them, that will be the basis of operation by them in this State, and that without any special or express agreement or understanding within this State, or re-lation to the business of this State, such as will require a court to visit upon them the penalties provided for in this act.

We believe that the withdrawal from this State of the fire insurance companies doing business here, without some previous arrangement for others to take their place, would be extremely detrimental to the business interests of Texas, for there can be no doubt that fire insurance forms a large part of the basis of credit of our people. We are told that fire insur-

ance companies will withdraw from the State if this bill passes without amendment. We should regret to see them take this course. If they are not in a pool or trust or any combination, such as is described in this bill, they are certainly not effected by it, and if they are covered by it then we see no reason for excusing them from its penalties. They may be able to create some commercial disturbance, but it is certainly better to have commercial disturbance than it is to have the power and blighting influence of such trusts fastened upon the people of this State. If the insurance companies are to fight this bill and create disturbance because of its passage, should that control the action of the Legislature? Is that any reason why pools and trusts should be longer continued in Texas, and be permitted to grow larger and more powerful before we take hold of them with a determination to suppress them?

It is the opinion of this committee that pools and trusts will never be destroyed in this State without a war between them and the people of Texas, and while we regret such state of affairs we think the sooner it is understood that the Legislature of Texas proposes to stand by the people in such a warfare the better it will be for the country.

We beg to submit also that a representative of some of the labor organizations appeared before the committee, and asked an amendment to this bill exempting labor organizations from its operations. This we decline to do, because under the very terms of the bill such organizations are not included. The bill is only intended to reach articles, and things concrete, and does not cover or reach labor organizations as such.

We further submit that in view of the possible disturbance of interests in Texas, and above all things, with a desire to be just and fair to all the interests, both individual and corporate, within this State, the committee has concluded to recommend that the bill be so amended as to put it in effect on the first day of January, 1900. The date is thus postponed in order to give any of the insurance companies that are now in a pool an opportunity to withdraw from the same, and make the necessary arrangements to operate under the provisions of this bill. And also that other insurance corporations not in any pool will have time and opportunity to come to Texas, and that new insurance companies may be formed so that they will have ample means for taking care of and fully insuring all of the property interests of this State from loss by fire by the time

the bill goes into operation. And with this amendment we recommend that the bill *do pass*, and were it not so late in the session we would recommend that another section be added to the bill covering a line of trusts not embraced within it, but this is possibly a matter not intended for the consideration of this special committee.

Respectfully submitted.

POTTER,  
LLOYD,  
TERRELL,  
DIBRELL,  
TURNER.

Committee Room,  
Austin, Texas, April 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Stock and Stock-raising, to whom was referred

House bill No. 145, being a bill to be entitled "An Act to provide for the destruction of prairie dogs, and fix a penalty against persons who fail or refuse to exterminate the prairie dogs on the land owned or leased by them,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TURNER, Chairman.

Committee Room,  
Austin, Texas, April 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Stock and Stock-raising, to whom was referred

House bill No. 412, being a bill to be entitled "An Act to amend Article 5043, Chapter 6, Title CII, Revised Statutes, relating to inspection of live stock, so as to place Randall county under the operation of said law, and remove Cochran, Cottle, Bailey, Parmer, Lamb and Hemphill counties from the operation of said law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TURNER, Chairman.

Committee Room,  
Austin, Texas, April 20, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 334, being a bill to be entitled "An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate a

railway extending from a point in or near the town of Tyler, in Smith county, to a point in or near the town of Lufkin, in Angelina county, with its franchises and appurtenances, known as the Tyler Southeastern Railway; and to authorize the Tyler Southeastern Railway Company, and the owners thereof, to sell the same, and to authorize the St. Louis Southwestern Railway Company of Texas to assume the payment of the indebtedness of the Tyler Southeastern Railway Company, and to own and operate the property so purchased,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

STAFFORD, Chairman.

Committee Room,  
Austin, Texas, April 15, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 314, being a bill to be entitled "An Act to amend Subdivision 2, Article 22, Title IV, of the Revised Civil Statutes of Texas, 1895, so as to extend the time of the terms of the District Court of Nacogdoches county, and change the time of holding district courts in Angelina and Cherokee counties,"

And find the same correctly engrossed.

JAMES, Chairman.

## BILLS AND RESOLUTIONS.

By Senator Sebastian:

Senate bill No. 335, A bill to be entitled "An Act to amend Article 1544, Title XXXII, Chapter 2, of the Revised Civil Statutes of Texas of 1895, and to repeal all laws in conflict therewith."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Turney:

Senate bill No. 336, A bill to be entitled "An Act to prohibit pawnbrokers, junk-shop dealers, second-hand dealers and all other persons who buy, sell or otherwise deal in personal property for profit, from buying or receiving same from children or disposing of any such personal property brought or sold to them by children, except when such children produce a written permit from their parents or guardians giving authority to such children to have, possess or dispose of such personal property."

Read first time, and referred to Judiciary Committee No. 2.

By Senators Terrell and Morriss:

Whereas, complaints have been made of a reliable source against S. J. Jenkins, superintendent of the Colored Deaf, Dumb and Blind Asylum, charging him with misappropriation of public funds and brutal conduct toward inmates of said institution; be it, therefore,

Resolved, That the President of the Senate appoint a committee of three members of the Senate to investigate said charges and report the same back to the Senate, and that said committee be empowered to summon witnesses, to enforce attendance and to swear such witnesses and reduce their statements to writing.

The resolution was read, and adopted.  
Call concluded.

#### PENDING BUSINESS.

The Chair laid before the Senate pending business, Senate bill No. 342 (Dallas city charter bill), action being on the motion of Senator Yantis for the previous question on the pending amendment of Senator Atlee and the final passage of the bill (see Journal of April 20th.)

The motion for the previous question was lost.

Action then being on Senator Atlee's amendment, to wit: "Amend by striking out Section 209 of the bill," the same was lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Nays—15.

Burns.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.
McGee.	

Absent.

Gough.	Potter.
Lewis.	

#### PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

The following amendments were then offered:

By Senator Stafford:

"Amend by striking out on page 76,

Section 201, line 4, the following, 'Governor of the State,' and insert in lieu thereof the following, 'by the sheriff of Dallas county, subject to the approval of the county commissioners court.'"

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Nays—16.

Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.

Absent.

Lewis.	Potter.
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#### PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

By Senator Stafford:

"Amend page 2, line 4, by adding the words 'and Central' after the word 'Texas.'"

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Nays—16.

Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.

Absent.

Lewis.	Potter.
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#### PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

Senator Linn sent up and had read

the notice of application for the special law, to wit:

CITY LAWS AND OFFICIAL PUBLICATIONS—  
NOTICE OF APPLICATION FOR  
SPECIAL LAW.

Dallas, Texas, December 8, 1899.

Whereas, By resolution of the city council of the city of Dallas, at a regular meeting thereof, on November 10, 1898, the mayor was instructed to appoint a committee to apply to the Legislature for a new charter.

Now, therefore, we, the undersigned, the committee appointed by the mayor by virtue of said resolution, do hereby give notice that the city of Dallas, Texas, will, at the approaching session of the Legislature of the State of Texas, which convenes at Austin, Texas, on the first Tuesday in January, 1899, make application for a new special charter for said city. Said charter to be a special act of said Legislature, and to contain all the powers, rights and liabilities which it now has, subject to such amendments as may by said Legislature be made, together with such other powers, rights and liabilities as to said Legislature may seem fit, proper and just.

Witness our hands this 8th day of December, A. D. 1898.

W. P. ELLISON,  
City Attorney,

HENRY HAMILTON,  
F. J. BARRY,  
H. G. BRADY,  
W. H. LINCUM,  
J. F. CALLAHAN,

Committee.

Attest:

I. A. MOORE,  
City Secretary.

STATE OF TEXAS,  
COUNTY OF DALLAS.

Before me, the undersigned authority, personally appeared Walter A. Throp, secretary of the Times-Herald Printing Company, publishers of a newspaper known as the Dallas Daily Times-Herald, published and circulating daily in the city of Dallas in Dallas and other counties in the State of Texas, who, after being by me duly sworn, on oath says: That there was published for thirty consecutive days, commencing on the 8th day of December, 1898, a notice by the charter committee of the city council of the city of Dallas to the effect that such charter committee would apply to the Legislature of the State of Texas for a new charter for the said city, a printed copy of which said notice is hereto attached, marked "Exhibit A," and affiant says that said Dallas Daily Times-Herald is a

newspaper published daily in the city of Dallas, which circulates in said city and in said county and in other counties of the State of Texas, and that the said publication appeared in said Dallas Times-Herald for thirty consecutive days prior hereto, commencing on the 8th day of December, 1898.

WALTER A. THROP.

Sworn to and subscribed before me this 18th day of January, A. D., 1899.

T. A. WORK,

Notary Public Dallas County, Texas.

Senator Linn then moved to indefinitely postpone further consideration of the bill, for the reason that the notice of application for the special law was insufficient in that it did not fully set forth the purposes, changes, etc., proposed by said special law.

The motion was lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Nays—16.

Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.

Absent.

Lewis.

Absent—Excused.

Potter.

PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

By Senator Odell:

"Amend by striking out Section 129."

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Nays—16.

Burns.	Goss.
Dibrell.	Gough.

Greer.	Morriss.
Grinnan.	Neal.
Hanger.	Sebastian.
James.	Terrell.
McGee.	Wayland.
Miller.	Yett.

Absent.

Lewis.

Absent—Excused.

Potter.

## PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

By Senator Stafford:

"Amend Section 24, page 12, lines 5 and 6, by striking out the following, 'and to have exclusive jurisdiction over disorderly houses and female vagrants.'"

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Nays—15.

Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.
McGee.	

Present—Not voting.

Burns.

Absent.

Lewis.

Absent—Excused.

Potter.

## PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

(Senator Gough in the chair.)

By Senator Stafford:

"Amend Section 196 by striking out the word 'define.'"

Lost by the following vote:

Yeas—9.

Davidson.	Kerr.
Johnson.	Linn.

Lloyd.	Ross.
Odell.	Stafford.
Patterson.	

Nays—15.

Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.
McGee.	

Present—Not voting.

Burns.

Absent.

Lewis.

Absent—Excused.

Potter.

## PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

By Senator Linn:

"Amend Section 201, page 76 of bill, by striking out the words 'police' and 'police department' wherever they occur in the section."

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Nays—16.

Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.

Absent.

Lewis.

Absent—Excused.

Potter.

## PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

By Senator Stafford:

"Amend Section 42, line 28, by strik-

ing out 'twelve hundred' and insert in lieu thereof 'fifteen hundred.'"

Lost by the following vote:

Yeas—10.

Davidson.	Lloyd.
Hanger.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.

Nays—15.

Burns.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Sebastian.
Greer.	Terrell.
Grinnan.	Wayland.
James.	Yett.
McGee.	

Absent.

Lewis.

Absent—Excused.

Potter.

PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

By Senator Odell:

"Amend by striking out Section 187."

Lost by the following vote:

Yeas—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Nays—16.

Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.

Absent.

Lewis.

Absent—Excused.

Potter.

PAIRED.

Senator Atlee, present, who would vote *yea*, with Senator Stone, absent, who would vote *nay*.

Senator Turney, present, who would vote *yea*, with Senator Yantis, absent, who would vote *nay*.

The bill was then finally passed by the following vote:

Yeas—16.

Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.

Nays—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Absent.

Lewis.

Absent—Excused.

Potter.

PAIRED.

Senator Atlee, present, who would vote *nay*, with Senator Stone, absent, who would vote *yea*.

Senator Turney, present, who would vote *nay*, with Senator Yantis, absent, who would vote *yea*.

Senator Miller moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled by the following vote:

Yeas—16.

Burns.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Sebastian.
Grinnan.	Terrell.
Hanger.	Wayland.
James.	Yett.

Nays—9.

Davidson.	Odell.
Johnson.	Patterson.
Kerr.	Ross.
Linn.	Stafford.
Lloyd.	

Absent.

Lewis.

Absent—Excused.

Potter.

PAIRED.

Senator Atlee, present, who would vote *nay*, with Senator Stone, absent, who would vote *yea*.

Senator Turney, present, who would vote *nay*, with Senator Yantis, absent, who would vote *yea*.

## REASONS FOR VOTE.

The following are some of the reasons prompting us to oppose the passage of House bill No. 342, known as the Dallas City Charter:

## AS TO THE NOTICE REQUIRED BY THE CONSTITUTION.

1st. The inhabitants of the city of Dallas were not notified of an intention to apply for such law, as required by Section 57, Article 3, of the Constitution. A notice is stated to have been published for the time required prior to the introduction of the bill, but such notice did not state the substance of the contemplated law,—the pretended notice being in the following words, to wit:

"Dallas, Texas, December 8, 1898.

"Whereas, By resolution of the city council of the city of Dallas, at a regular meeting thereof, on November 10th, 1898, the mayor was instructed to appoint a committee to apply to the Legislature for a new charter.

"Now, therefore, we, the undersigned committee appointed by the mayor by virtue of said resolution, do hereby give notice that the city of Dallas, Texas, will, at the approaching session of the Legislature of the State of Texas, which convenes at Austin, Texas, on the first Tuesday in January, 1899, make application for a new special charter for said city. Said charter to be a special act of said Legislature and to contain *all the powers, rights and liabilities which it now has, subject to such amendments as may by said Legislature be made, together with such other powers, rights and liabilities as to said Legislature may seem fit, proper and just.*"

2nd. The published notice advised the inhabitants of the city of Dallas of an intention to apply for a special act giving to them all the rights, powers, privileges and franchises then enjoyed by them under the act incorporating the city of Dallas, passed at the Regular Session of the Twenty-fifth Legislature; but the bill introduced seeks to deprive the people of Dallas of most valuable rights without notice that any changes of such a nature were contemplated.

One of the changes sought to be made, of which the people had no notice, as required by the Constitution, is found in Section 102 of the bill, providing for the appointment of commissioners by the Governor, and in various sections conferring power on such commissioners and defining their duties.

By Section 9, of the law as it now is, the people have the power to elect their chief of police; and by Section 19, of such

law, the city council have the power to elect a chief of the fire department. This power of the people and of the city council is taken away, and lodged in commissioners appointed by the Governor; and the people were not notified that such change was contemplated.

By the law as it now is, the legislative power of the city of Dallas is vested in the city council. This power is abridged and controlled in most important matters of legislation by authority vested in commissioners appointed by the Governor; these commissioners must first authorize and recommend the passage of ordinances or resolutions before the city council have power to consider and pass the same. Sections 208, 209, 210, and 212 of the bill verify this statement. Such change was not brought to the notice of the people as required by the Constitution;—they had no notice that such change from the existing law was contemplated, therefore, the bill should not become a law.

By the law as it now is, the police board, composed of the mayor and two aldermen, have power to make such rules and regulations for the government of the police department as to them may seem best. This power, under the provisions of the bill, is taken from the people and placed in the hands of two commissioners, appointed by the Governor.

By Section 201 of the bill, such commissioners are empowered to control and supervise both the police and fire departments of the city of Dallas; to make all such rules and regulations as they see fit for the organization, management and operation of such departments; to appoint and discharge, at will, all policemen and firemen, and the chiefs of such departments; and to repeal existing rules and regulations by which such departments are now governed.

The people were not notified that such changes from the existing law were contemplated, therefore, the bill should not become a law.

The foregoing are some of the many particulars in which the bill seeks to change the law as it now exists, and they show beyond controversy a wide departure from what is shown to be the notice given to the people of Dallas.

We are advised that these changes were not discussed before the people of Dallas, and it was not known to them that such changes were sought to be effected until after the introduction of the bill; therefore, if the Constitution is to be observed, the bill should not become a law.

3rd. When the bill was under consideration before the Senate Committee on

Towns and City Corporations, certain features of the bill were pointed out as objectionable; among them, that of commissioners to be appointed by the Governor and powers vested in them; and in the course of argument it was stated that the changes contemplated by such features of the bill had not been considered by the people of Dallas prior to the introduction of the bill, and that the people had no knowledge of the substance of such contemplated changes until after the bill had been introduced.

This statement was not denied, but it was admitted to be true by all present, and particularly by one W. P. Ellison, the city attorney of Dallas, whose name was signed to the notice before mentioned. It was contended before said committee that the people had a right to be heard as to the propriety of making such changes, and to that end the Honorable Senator from Dallas stated that, in the event the bill was reported favorably by the committee, he would, on the floor of the Senate, offer and urge an amendment to the bill looking to a submission to the people to determine by ballot whether or not the law, in the event of its passage, should take effect.

On the motion to report the bill favorably the vote was a tie, and the chairman of the committee, the Honorable Senator from Dallas, voted yea and a favorable report was accordingly made.

Believing the notice was insufficient and that the bill, if passed, as reported, would deprive the people of Dallas of powers, rights and privileges given them and enjoyed by them under the law as it now is, we offered several amendments for the purpose of eliminating those features of the bill, most prominent among which are those sections providing for the appointment of commissioners by the Governor and defining their powers and duties. These amendments were each and every one of them voted down; and in addition to such amendments, we offered another seeking to make Section 214 of the bill read as follows:

"This act shall take effect and be in force from and after a date after its passage to be fixed by the qualified voters of the city of Dallas; and for the purpose of determining such date an election shall be held in the city of Dallas within ninety days after the passage of this act, and after thirty days notice of such election has been given; and the question submitted at such election shall be as follows: 'Shall this act take effect,' and if a majority shall be in the affirmative, then this act shall be in force from and after the date of such election."

This amendment was in like manner voted down and the bill passed without amendment.

We can not give our assent to legislation which to our minds is in plain violation of the letter and spirit of the Constitution (Article 3, Section 57).

The sufficiency of the notice given prior to the passage of the Dallas charter in 1897 was questioned. Those favoring the passage of that law did so, fully convinced that the people had discussed the contemplated changes prior to the introduction of the bill and knew beforehand what changes were to be made.

Reasons are given by some of the Senators for their vote on that measure, which are to be found on page 306 of the Senate Journal for 1897.

The sufficiency of the notice given with reference to a charter for the city of Waco was questioned during the Twenty-fifth Legislature; in this instance the Governor held the law invalid for insufficiency of the notice required by the Constitution, and returned the bill to the House with his veto (See House Journal, 1897, page 865).

The present bill in its effect, being revolutionary, against local self-government, and therefore undemocratic, should not become a law, if the rights of the people are to remain inviolate under the law and the Constitution.

#### AS TO THE UNUSUAL POWERS GRANTED IN THE BILL.

Another most serious objection to the passage of this bill is the unusual grant of power conferred in the government of the municipality of Dallas to over-ride, suspend and defy the general laws of this State, as well as its courts as hereinafter set forth:

1st. In section 24 of the bill the city court of the city of Dallas is given exclusive jurisdiction over disorderly houses and female vagrants, thus depriving State courts of their general jurisdiction within the city of Dallas over offenders of the class named.

2nd. Section 30 of the bill is in direct conflict with the corporation court bill passed at the present session of the Legislature. It will be remembered that when the last named bill was before the Senate for discussion an amendment was adopted by an overwhelming majority of its members to strike out that provision conferring appellate jurisdiction on the Court of Criminal Appeals, on the theory that this provision in its practical effect would deprive the poor man of the right of appeal, and by reference to the above mentioned section, it will be seen that appeals from the Dallas city court are

made returnable to the Court of Criminal Appeals.

3rd. Section 103 of the bill gives the city council power and authority to regulate, locate and prohibit disorderly houses and houses of prostitution and prostitutes, and to regulate, control and prohibit gambling houses, games of every kind, lotteries and all fraudulent devices and practices. While the word "license" is not used with reference to the vices set forth, by the subtle use of words, it will be seen that this power is virtually given. By a reference to Section 24, heretofore quoted, the city court is given exclusive jurisdiction over disorderly houses, etc., and this section leaves it optional with the city council to regulate, locate and prohibit, thus, after disarming the State of its jurisdiction, they will exercise their own judgment, and while they dare not propose to license crime, they retain the authority to regulate or locate it instead of prohibiting it. The same criticism may justly be made of the provision with reference to gambling houses and games, fraudulent devices, etc.; they may either prohibit, regulate or control the offenses named, and while the city court is not given exclusive jurisdiction, it will be seen by reference to a section hereafter referred to, that this remarkable monstrosity repeals all State laws in conflict with its provisions, hence when they regulate and control these offenses, the State law is repealed.

4th. Section 106 of the bill speaks for itself; it is as follows: "To open, close and regulate saloons and all places where intoxicating or fermented liquors are sold on Sunday, and to prescribe what hours on Sunday such sales can be made and what hours such places must be closed and sales prohibited; also all places of amusement and business." In addition to this section being open to the criticism, that it authorizes the annulment of the Sunday laws, it warrants a further defiance of the law and desecration of the Sabbath, by adding places of amusement to saloons as well as places of business, without comment on anything contained in this section, except places of business. We desire to say that this is a dangerous privilege conferred on the city of Dallas. The growing towns and cities in and around Dallas must obey the State law, and refrain from carrying on their business on the Sabbath, but the citizens of Dallas are granted the class privilege of doing business on Sunday.

5th. Section 129 is as follows: "No property of any kind—church, school, public or otherwise—in the city of Dallas shall be exempt from any of the spe-

cial taxes and assessments authorized by this charter for local improvements." Comment ought to be unnecessary concerning this section. If it be constitutional and not void as against public policy, court houses, churches, school buildings, cemeteries, public libraries and all charitable institutions might be sold under the hammer to collect taxes for local improvements. If this section is not constitutional, or is void as against public policy, it ought to be stricken out.

6th. Section 159, among other provisions, has the following: "In the event that because the same (having reference to sidewalks) adjoins a homestead or for any other reason the city is unable to lawfully compel the owner to construct and repair a sidewalk by fixing a lien on his property for the cost, the city of Dallas shall never be liable for damages to any person or property by reason of any defect in any such sidewalk, not immediately occasioned by the direct act of the city or of some officer for whose acts the city is responsible at law." This is a remarkable declaration of principle. If the city cannot lawfully compel its citizens to keep sidewalks in repair, it will relieve itself of all liability; in other words, if the city cannot do an unlawful act, the citizen cannot recover. However, in the same section this provision is found: "In the event of a judgment against the city in all such cases, where the property owner is made liable for damages by the provisions of this section, the city shall be entitled to a recovery over against any such property owner held to be primarily liable for such damages under the provisions aforesaid." This language is unique in view of what preceded it. Fearing the constitutionality of the declaration, that the city should never be liable, they add the clause just quoted, and leave themselves in the position of saying, if we can't lawfully collect taxes we must recover of the citizen for the city's negligence after all lawful means had been exhausted against the citizen.

7th. Section 196 is as follows: "To define, locate and regulate variety theaters." In defining variety theaters there is no limit to the vices that might be included in such definition; that enticing sport known as prize fighting, might be sanctioned and authorized under this section, for all State laws are repealed that conflict with this remarkable instrument that has become so sanctified, though containing eighty-three pages, that an I cannot be dotted or a T crossed.

8th. Section 199. "The provisions of this act so far as they may conflict with

any State law shall be held to supersede the said laws to that extent and it shall not be held invalid on account of such conflict." In view of the sections heretofore criticised, this section becomes of vital importance. These unusual grants of power are conceded to be in conflict with the general laws of this State; many of them penal in their character, and in order that they may be defied in the city of Dallas, a sweeping repealing clause is inserted in this bill, and the great State of Texas is told, when in Dallas county, to carry a map and be careful not to step over the corporate limits of the city of Dallas.

#### AS TO QUALIFICATIONS FOR THE POSITION OF COMMISSION- ERS, ETC.

A further objection to this bill, and one which in our opinion is more than sufficient to warrant its defeat, is based upon Sections 8 and 202 of the bill; relating to the qualifications of certain officers into whose hands the destinies of the city of Dallas must be confided.

Section 8 of the bill provides "That no person shall be eligible for any office, elective or appointive, of the city of Dallas unless he shall be a qualified voter therein, and no person shall be eligible or qualified to hold and exercise the office of mayor or alderman, or any office whatever of said city, who owns or holds any shares of stock or who is pecuniarily interested in, or in the employ of any corporation having or to have any contract with said city while it holds any right, franchise or immunity from said city government or which is entitled to any compensation out of the city treasury; provided, that the disqualifications above mentioned shall not be so construed as to apply to laborers and persons engaged in the ordinary and usual service of said corporations in the mechanical operation and conduct of their legitimate business in said city."

Section 202 provides, "No person shall be eligible to the office of commissioner of the city of Dallas unless he shall be at the date of his appointment a qualified voter therein and a freeholder therein of property assessed at the next preceding city assessment at not less than \$1000.00, and shall not be an officer, agent or employe of any corporation \* \* \* holding any right, franchise or immunity from said city government."

The history of this State and the settled doctrine of the Democratic party from its inception to the present time has been in favor of and upheld the prin-

ciples of manhood suffrage, and manhood as the sole qualification for the holding of office. There has never been in this State any abridgement of these personal and political rights, where freedom of opinion and expression could be expected, save conviction of crime in the first instance; and, in the second, the local residence of the officer in the district to be affected, except in that branch of the government (the judiciary), where special learning is required for the performance of the duties devolving upon the incumbent.

By the provisions of Section 8 of the bill a worthy, competent and progressive class of the citizenship of Dallas is absolutely proscribed and deprived of the right to act as the representatives of the people of Dallas in the legislative and executive branches of the city government. Added to the individual misfortunes of the citizen who is forced by poverty or by special fitness to earn his living as a clerk or an employe of a corporation in said city, is this enactment making it a crime sufficient to proscribe him (however qualified, competent and honest) from holding office and serving his people, though the necessity of the hour requires the man of special qualifications and fitness in the discharge of duty.

The tyranny of taxation without representation is a sentiment deeply imbedded in the heart of every American citizen. We are unable to ascertain why this class of citizens shall be branded as unfit, dishonest and incompetent while other employes of the same corporation are permitted to exercise all right of citizenship.

As regards provisions of Section 202, we are unalterably opposed to a property qualification for office, leaving aside the fact that it is one of the most vicious features of class legislation. This provision attempts to draw an additional distinction between property owning citizens of said city and to debar from the office of commissioner its entire citizenship except those who are so fortunate as to own realty. What defense can be made to this gross innovation upon established principles and beliefs, we do not know, as we have been wholly deprived of any answer to the frequent assaults made upon it in this body; but we do know, and earnestly utter the warning that the adoption of this insidious amendment and its acceptance as wise legislation for a few brief years will subvert every principle held dear by the democracy of this State, and transfer from the people to an office-holding class their sovereign rights of local self-government.

### THE BILL STRIKES DOWN THE PRINCIPLE OF LOCAL SELF- GOVERNMENT.

We further oppose the passage of this bill because it saps and uproots the very foundation of a representative government. The corner stone of our republic is that the people are competent and capable of self-government, (and therefore its perpetuity rests solely on the intelligence, honesty and patriotism of its citizenship. We believe in this doctrine, and that it not only applies to the entire sisterhood of States in their general government, but to each individual State and to each locality in each State.

As has been forcibly said by Mechem in his work on Public Office: "Indeed, this right of local self-government, as it has been briefly termed, is held to be an established feature and incident to our political system, and it is not within the power of the Legislature of the State to fill by appointment local offices established by law for purely local purposes."

We believe that the people of Dallas are of such intelligence and honesty as to manage their own affairs in a way that will be most satisfactory to themselves and more conducive to their peace, happiness and prosperity. If such were not the case, it were better to endure the evil for a while, until the public conscience could be aroused from its lethargy to a sense of its deplorable condition than to bury forever the faith of the founders of this republic by applying to some foreign influence or power, some strong, iron hand to rule and tyrannize over what ought to be a free and independent people. Our free institutions are not so much endangered by violent infractions of inherent rights because the public conscience is at once aroused and such encroachments beaten back, it is the insidious infractions which rob, step by step, which is most dreaded and feared, because their seductive characters are not so easily discerned by the public.

We believe in the individuality of citizenship, and that every voter should be developed into a perfect citizen and taught the responsibility which rests upon him as a voter, and not dwarfed into a mere machine by some outside influence upon the hypothesis of his superior knowledge and upon his superior fitness as a ruler. The people of any locality have and should ever maintain an inherent right of local self-government, and any effort to abridge or deprive them

of this right should and will be resisted by them in proportion to their love of liberty.

The Supreme Court of New York, in passing upon a law similar to this, very forcibly says: "Local self-government is the school which fits people for self-government. Local self-government is the result, and also the most efficient preserver, of civil liberty. The principle is one that runs through the entire system of government, from the road and school districts to the Federal government. \* \* \* The theory of the Constitution is that the several counties, cities, and towns and villages are, by right, entitled to choose whom they will have to rule over them, and that this right cannot be taken from them and the electors and inhabitants disfranchised by an act of the Legislature, or of any or all of the departments of the State government combined. This right of self-government lies at the foundation of our institution, and cannot be disturbed or interfered with even in respect to the smallest of the divisions into which the State is divided for governmental purposes, without weakening the entire foundation; and hence, it is a right not only to be carefully guarded by every department of the government, but every infraction or evasion of it to be promptly met and condemned." Judge Cooley, in a similar case, says: "The State may mold local institutions according to its views of policy and expediency, but local government is a matter of absolute right, and the State cannot take it away. It would be the boldest mockery to speak of a city as possessing municipal liberty where the State not only shaped its government, but at its discretion sent in its own agents to administer it, or to call that system one of constitutional freedom, in which it would be equally admissible to allow the people full control of their local affairs or no control at all."

So clearly and forcibly does this language express our views, and so aptly does it apply to the bill now under consideration, we take pleasure in quoting and approving it. Ought not the people of Dallas, as well as the people of the entire State, dread and abhor this insidious attack upon their inherent constitutional right to express their choice for each and every public officer at an election held for that purpose, and will they be content to yield to such encroachment without an active and vigorous protest? We think not. We believe that the spirit of civil liberty is still alive, and that the citizenship of Texas is not ready to acknowledge its inability to maintain and uphold self-government.

AS TO REASONS OF THE MAJORITY  
FOR OPPOSING AMENDMENTS  
OFFERED BY THE MI-  
NORITY.

Nearly all, if not all, of the amendments offered by the minority to this bill were not only believed to be wise and just by the majority, but most of same were voted upon other bills as amendments by them while several of such amendments to other bills were prepared and offered by individual Senators composing the unyielding majority.

Perhaps on no occasion in a Texas Legislature has the right to amend a bill ever before been denied. Here it was not only denied, but denied by a majority who knew and who stated that amendments were essential in order to relieve the measure of features which were extreme, violation of Democratic principles, antagonistic to the policies of our State; which tended to legalize and authorize crime and to foster and protect the same and those engaged in unlawful vocations; features which left in the bill will extend to one city in our State the power to exempt evil doers from the dread of the penal laws of the State, and which tend to encourage rather than deter criminal classes.

With such a condition existing, the public would naturally enquire what peculiar state of affairs would bring it about.

Had the day for adjournment been already set, and the time for action limited, some excuse could be offered, but so far as is known now, at least two weeks remain of this session for consideration of this measure in the House of Representatives, where same would not have to take its chances along with other bills on the calendar, but would be, from the moment same was returned there, a privileged question to be called up without notice and in preference to all bills and measures of every class whatsoever.

Then why should the constitutional right to have wholesome amendments adopted be denied?

But one reason, and only one, has ever been offered by any supporter of this measure: "If any amendment, regardless of its importance, is engrafted to this bill, the House will kill the measure, and Dallas be without her charter for two more years."

To us this is a reflection upon the wisdom and good faith of that body.

If the House would defeat the measure now because of the Senate engrafting wholesome amendments, as admitted by the majority, then we assert that such defeat would be brought about because

the vicious, extreme and undemocratic features of the bill were never understood by them when they permitted its passage, nor until the full discussion of such features in the Senate.

We believe and insist that if the members of the House of Representatives have realized that a mistake was made by them, and that this bill was never fully understood, that then justice and a proper regard for good government and the safeguard of full and free discussion upon all measures should have dictated that the opportunity be given the other branch of the law-making power of this State equal with the Senate in every respect, to again express themselves upon this their hastily prepared, ill-timed, unwise and undemocratic legislative offspring. Its fathers should not be forced to deny its legitimacy, and the creature be forced upon the law-abiding people of Dallas bastardized except except by its god-fathers—the majority—who, while doubting its claims to legitimacy, send it forth to the fair city of Dallas, the State and the world as the legitimate offspring and legally begotten product of the two constitutionally ordained bodies acting in harmonious concert to the end that this creature might be brought into being and have a respectable standing in the eyes of good society and the world.

ATLEE,  
DAVIDSON,  
JOHNSON,  
KERR,  
LEWIS,  
LINN,  
LLOYD,  
ODELL,  
PATTERSON,  
ROSS,  
STAFFORD,  
TURNER.

HOUSE MESSAGE.

The following message was received from the House:

Hall of the House of Representatives,  
Austin, Texas, April 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following bills:

Senate bill No. 218, A bill to be entitled "An Act authorizing the board of managers of the Southwest Texas Lunatic Asylum at San Antonio, Texas, in conjunction with the Governor of the State of Texas, to lease the sulphur water flowing from the artesian wells on the grounds belonging to said asylum," with amendment.

Also Substitute Senate bill No. 68, A bill to be entitled "An Act to promote agriculture and stock-raising, and to prohibit the hunting with fire-arms or dogs, upon the enclosed lands of another in all counties within this State not specially named as exempt from the provisions of this act, and to provide a penalty therefor," with amendments.

Also House Committee Substitute bill for Senate bill No. 222, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to appoint two State land agents, prescribing their duty, fixing their salaries, making an appropriation therefor, providing for the recovery for the depredation upon timber, and for the use or occupancy without lawful authority, and to prevent the free use and unlawful enclosure of any of the public lands owned or held in trust by the State for any purpose whatever, and creating an emergency," with amendments.

Also Senate bill No. 243, A bill to be entitled "An Act validating the incorporation, for school purposes only, of Victoria independent school district, an independent incorporated public school district, heretofore incorporated in Victoria county, including within its limits the municipal incorporation of the town or city of Victoria; adding to the same certain territory, so as to make the same hereafter co-extensive with the ancient and original town tract of Victoria; validating the acts of the board of trustees thereof; authorizing the board of trustees to levy, assess and collect special taxes; conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same; and further prescribing the duties and authorities of said board," with amendment.

Respectfully,  
LEE J. ROUNTREE,

Chief Clerk House of Representatives.

#### IN SENATE.

The above reported House Committee Substitute for Senate bill No. 222, was read and referred to the Committee on Public Lands and Land Office.

#### CALLED UP FOR CONCURRENCE.

Senator Davidson called up Senate bill No. 243 (see message above), which had passed the House with amendment, and moved that the Senate concur in said amendment.

Concurred in by the following vote:

Yeas—25.

Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Gough.	Patterson.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yett.
Lloyd.	

Present—Not voting.

Absent.

McGee.	Stone.
Atlee.	Yantis.
Lewis.	

Absent—Excused.

Potter.

Senator Stafford called up Senate bill No. 218 (see message above), which had passed the House with amendment, and moved that the Senate concur in said amendment.

Concurred in by the following vote:

Yeas—26.

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Odell.
Gough.	Patterson.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Lloyd.	Yett.

Absent.

Lewis.	Stone.
Linn.	Yantis.

Absent—Excused.

Potter.

On motion of Senator Hanger the regular order of business was suspended to take up, on second reading,

Senate bill No. 327 (Fort Worth city charter bill).

The bill was read a second time.

By Senator Hanger:

"Amend the bill by striking out the word 'regulate' in line 20, page 77."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Hanger, the con-

stitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Linn.
Burns.	Miller.
Davidson.	Morriss.
Goss.	Neal.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Turney.
James.	Wayland.
Johnson.	Yett.
Kerr.	

Nays—2.

McGee. Terrell.

Present—Not voting.

Lloyd.

Absent.

Dibrell.	Patterson.
Lewis.	Stone.
Odell.	Yantis.

Absent—Excused.

Potter.

The bill was read a third time, and passed by the following vote:

Yeas—22.

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Goss.	Neal.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Linn.	Yett.

Present—Not voting.

Lloyd.

Absent.

Dibrell.	Patterson.
James.	Stone.
Lewis.	Yantis.
Odell.	

Absent—Excused.

Potter.

Senator Hanger moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

"On the statement of the Senator from Tarrant that none of the objectionable features contained in the Dallas city

charter are in this bill, and knowing his integrity, we vote *yea*.

"STAFFORD,  
"LINN,  
"TURNAY,  
"DAVIDSON,  
"KERR,  
"ATLEE,  
"ODELL,  
"ROSS,  
"LLOYD,  
"JOHNSON."

(Lieutenant-Governor Browning in the chair.)

On motion of Senator Terrell the regular order of business was suspended to take up, on third reading,

House bill No. 679, A bill to be entitled "An Act to amend Chapter 65, of the Acts of the Twenty-fifth Legislature, being 'An Act to create a more efficient road system for Montague, Red River and Wichita counties, in the State of Texas,' etc."

The bill was read a third time, and passed by the following vote:

Yeas—22.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Odell.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Terrell.
Kerr.	Turney.
Linn.	Wayland.

Absent.

Dibrell.	Stafford.
Johnson.	Stone.
Lewis.	Yantis.
Patterson.	Yett.

Absent—Excused.

Potter.

#### SENATE BILL NO. 337.

By unanimous consent the following bill was introduced:

By Senator Neal:

Senate bill No. 337, A bill to be entitled "An Act to consolidate Soule University of Chappell Hill, Washington county, Texas, and Chappell Hill Female College of the same place, under the name of Chappell Hill Female College, and to incorporate under the name of Chappell Hill Female College, and defining its powers and duties, and declaring an emergency."

Read first time, and referred to the Committee on Towns and City Corporations.

On motion of Senator Gough the regular order of business was suspended to take up, on second reading,

Senate bill No. 333, A bill to be entitled "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to acquire by lease or purchase the railroad of the Sherman, Shreveport & Southern Railroad Company, extending from the city of McKinney, in Collin county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern line of Texas in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as a part of its line, with the right to extend the same and construct branches therefrom by amendment of its charter under the general laws of Texas, and vesting said companies, and each of them, with the power to make and execute all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said Sherman, Shreveport & Southern Railroad Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, when the said railway so to be purchased or leased has been extended from the city of Jefferson to the eastern line of the State of Texas in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such railway in the State of Louisiana by lease, trackage or running rights agreements the use of such line to the said city of Shreveport; and further, to authorize the said Sherman, Shreveport & Southern Railroad Company, before such sale, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport."

The bill was read a second time, and ordered engrossed.

On motion of Senator Gough, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

Yeas—18.

Atlee.	Hanger.
Burns.	James.
Davidson.	Kerr.
Goss.	Linn.
Gough.	Miller.
Greer.	Morriss.

Neal.	Terrell.
Odell.	Turney.
Ross.	Wayland.

Nays—3.

Grinnan.	McGee.
Lloyd.	

Absent.

Dibrell.	Stafford.
Johnson.	Stone.
Lewis.	Yantis.
Patterson.	Yett.
Sebastian.	

Absent—Excused.

Potter.

The bill was read a third time, and passed by the following vote:

Yeas—18.

Atlee.	Linn.
Burns.	Miller.
Davidson.	Morriss.
Goss.	Neal.
Gough.	Odell.
Greer.	Ross.
Hanger.	Stafford.
James.	Turney.
Kerr.	Wayland.

Nays—4.

Grinnan.	McGee.
Lloyd.	Terrell.

Absent.

Dibrell.	Sebastian.
Johnson.	Stone.
Lewis.	Yantis.
Patterson.	Yett.

Absent—Excused.

Potter.

Senator Gough moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

#### SENATE CONCURRENT RESOLUTION NO. 25.

By unanimous consent the following resolution was offered:

By Senator Stafford:

Senate Concurrent Resolution No. 25:

Be it resolved by the Senate, the House of Representatives concurring, that the use of the Senate Chamber and the Hall of the House of Representatives be and the same is hereby tendered to the Daughters of the Confederacy on the evening of Tuesday, May 2, 1899, for the purpose of entertaining the United Confederate Veterans.

The resolution was read, and adopted.

## COMMITTEE REPORT.

Committee Room,  
Austin, Texas, April 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 335, being a bill to be entitled "An Act to amend Article 1544, of Chapter 2, Title XXXII, of the Revised Civil Statutes of the State of Texas of 1895, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Senator Atlee moved to adjourn until 3 p. m.

Senator Linn moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

## Yeas—9.

Grinnan.	Ross.
Hanger.	Sebastian.
Linn.	Stafford.
Lloyd.	Wayland.
Neal.	

## Nays—15.

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Goss.	Odell.
Gough.	Terrell.
Greer.	Turney.
James.	Yett.
Kerr.	

## Absent.

Dibrell.	Patterson.
Johnson.	Stone.
Lewis.	Yantis.

## Absent—Excused.

Potter.

The Senate then adjourned until 3 p. m.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Gough.
Davidson.	Greer.
Dibrell.	Grinnan.
Goss.	Hanger.

50—Senate

James.
Johnson.
Kerr.
Linn.
Lloyd.
Miller.
Morriss.
Neal.

Odell.
Ross.
Sebastian.
Stafford.
Terrell.
Turney.
Wayland.
Yett.

## Absent.

Burns.	Patterson.
Lewis.	Stone.
McGee.	Yantis.

## Absent—Excused.

Potter.

## SPECIAL COMMITTEE.

The Chair announced the following Special Committee to investigate the charges against Superintendent Jenkins, of the Deaf, Dumb and Blind Asylum for Colored Youths, towit: Senators Terrell, Greer and Turney.

On motion of Senator Turney, the regular order of business was suspended to take up, on second reading,

Senate bill No. 278, A bill to be entitled "An Act for the better preservation of all of the personal property belonging to the State of Texas, or in which it has an interest, or of any of the departments, or of any of the institutions, asylums, schools, penitentiaries, farms or personal property of whatsoever description or wherever situated, belonging to this State, or in which it has an interest; and to provide for the making of lists and inventories of all said property and the copying of the same and the registration thereof; and to prescribe the duties of officers and persons having said property under their control, and to fix the liability of such officers and persons; and to provide a penalty for the failure to comply with this act, and to fix the venue of suits and prosecutions for a violation of any of its provisions."

The bill was read a second time, and ordered engrossed.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed upon its third reading and final passage by the following vote:

## Yeas—23.

Atlee.	Johnson.
Davidson.	Kerr.
Dibrell.	Linn.
Goss.	Lloyd.
Gough.	Miller.
Greer.	Morriss.
Grinnan.	Neal.
Hanger.	Odell.
James.	Ross.

Sebastian.  
Terrell.  
Turney.

Wayland.  
Yett.

Absent.

Burns.  
Lewis.  
McGee.  
Patterson.

Stafford.  
Stone.  
Yantis.

Absent—Excused.

Potter.

The bill was read a third time, and passed by the following vote:

Yeas—23.

Atlee.  
Davidson.  
Dibrell.  
Goss.  
Gough.  
Greer.  
Grinnan.  
Hanger.  
James.  
Johnson.  
Kerr.  
Linn.

Lloyd.  
Miller.  
Morris.  
Neal.  
Odell.  
Ross.  
Sebastian.  
Terrell.  
Turney.  
Wayland.  
Yett.

Absent.

Burns.  
Lewis.  
McGee.  
Patterson.

Stafford.  
Stone.  
Yantis.

Absent—Excused.

Potter.

#### CALLED UP FOR CONCURRENCE.

Senator Greer called up

Senate bill No. 254, A bill to be entitled "An Act to amend Article 4218q, of Chapter 12a, of Title LXXXVII, of the Revised Civil Statutes of the State of Texas of 1895, relating to the sale of timber lands," which had passed the House with amendments, and moved that the Senate concur in said amendments.

The amendments were read, and agreed to by the following vote:

Yeas—22.

Atlee.  
Dibrell.  
Goss.  
Gough.  
Greer.  
Grinnan.  
Hanger.  
James.  
Johnson.  
Kerr.  
Linn.

Lloyd.  
Miller.  
Morris.  
Neal.  
Odell.  
Ross.  
Sebastian.  
Terrell.  
Turney.  
Wayland.  
Yett.

Absent.

Burns.  
Davidson.  
Lewis.  
McGee.

Patterson.  
Stafford.  
Stone.  
Yantis.

Absent—Excused.

Potter.

On motion of Senator Dibrell, the regular order of business was suspended to take up, on second reading.

Senate bill No. 253, A bill to be entitled "An Act to ascertain what, if any, unpaid balance of salary is due Will S. Gabriel as stenographer of the Supreme Court of the State of Texas, and making an appropriation therefor."

The bill was read a second time, together with notice of application for the special law, and the bill was ordered engrossed.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—23.

Atlee.  
Davidson.  
Dibrell.  
Goss.  
Gough.  
Greer.  
Grinnan.  
Hanger.  
James.  
Johnson.  
Kerr.  
Linn.

Lloyd.  
Miller.  
Morris.  
Neal.  
Odell.  
Ross.  
Sebastian.  
Terrell.  
Turney.  
Wayland.  
Yett.

Absent.

Burns.  
Lewis.  
McGee.  
Patterson.

Stafford.  
Stone.  
Yantis.

Absent—Excused.

Potter.

The bill was read a third time, and passed by the following vote:

Yeas—22.

Atlee.  
Davidson.  
Dibrell.  
Goss.  
Gough.  
Greer.  
Grinnan.  
Hanger.  
James.  
Johnson.  
Kerr.  
Linn.

Lloyd.  
Miller.  
Morris.  
Neal.  
Odell.  
Ross.  
Sebastian.  
Terrell.  
Turney.  
Wayland.  
Yett.

Absent.

Burns.  
Lewis.  
McGee.  
Patterson.

Stafford.  
Stone.  
Yantis.

Absent—Excused.

Potter.

Senator Dibrell moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.  
Tabled.

#### REFUSED TO CONCUR.

Senator Atlee called up  
Substitute Senate bill No. 68, A bill to be entitled "An Act to promote agriculture and stock-raising, and to prohibit the hunting with fire-arms or dogs upon the enclosed lands of another in all counties within this State not specially named as exempt from the provisions of this act, and to provide a penalty therefor," which had passed the House with amendments, and moved that the Senate *do not* concur in said amendments, and that a Free Conference Committee be requested to consider the difference between the two houses.

So ordered, and the Chair appointed as Free Conference Committee on part of the Senate, Senators Greer, Davidson, Atlee, Sebastian and Turney.

#### FREE CONFERENCE COMMITTEE REPORT CALLED UP.

Senator Greer called up the Free Conference Committee report on Senate bill No. 144, Texas & New Orleans consolidation bill (consisting of a majority and minority report—see Journal of April 19th), and moved the adoption of the majority report.

Carried by the following vote:

#### Yeas—20.

Atlee.	Linn.
Burns.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Gough.	Neal.
Greer.	Odell.
Hanger.	Ross.
James.	Sebastian.
Johnson.	Turney.
Kerr.	Wayland.

#### Nays—2.

Grinnan.	Yett.
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#### Present—Not voting.

Terrell.

#### Absent.

Goss.	Stafford.
Lewis.	Stone.
McGee.	Yantis.
Patterson.	

#### Absent—Excused.

Potter.

#### SENATE BILL NO. 323 MADE SPECIAL ORDER.

Senator Davidson called up Senate bill

No. 323 (anti-trust bill), and moved that same be made special order for tomorrow after call.

So ordered.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Public Debts, Claims and Accounts, to whom was referred

Senate bill No. 330, being a bill to be entitled "An Act to grant leave to G. W. Burkitt of Anderson county, Texas, to bring suit against the State to redeem from forfeiture and re-sale. Section No. 58, Block H, W. & N. W. R. R. Co. survey of land, Abstract No. 852, in Hardeman county, Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass with the following amendment:

"Amend by adding to Section 1, after the word 'resale' the following: 'And in case of suit the said G. W. Burkitt shall pay all court costs.'"

NEAL, Chairman.

Committee Room,

Austin, Texas, April 24, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 337, being a bill to be entitled "An Act to consolidate Soule University of Chappell Hill in Washington county, Texas, and Chappell Hill Female College of the same place, under the name of Chappell Hill Female College, and defining its powers and duties, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

MILLER, Chairman.

Senator Turney moved to suspend the regular order of business to take up

Substitute Senate bill No. 118, A bill to be entitled "An Act to prohibit the officer, agent or representatives of any railroad corporation from giving free transportation over the lines of such railroad to any person other than the employes of such railroad, and to fix a penalty for the violation of the provisions of this act."

Pending action, on motion of Senator Lloyd, the Senate adjourned until 10 a. m. tomorrow.